



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
MICRON TECHNOLOGY, INC.
FOR
THE MICRON MANASSAS FACILITY
Registration No. 72299**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Micron Technology, Inc., regarding the Micron Manassas Facility, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" means the Micron Manassas Facility located at 9600 Godwin Drive in Manassas, Virginia.
5. "FCE" means a full compliance evaluation by DEQ staff.
6. "Micron" means Micron Technology, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Micron Technology, Inc. is a "person" within the meaning of Va. Code § 10.1-1300.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
9. "PCE" means a partial compliance evaluation by DEQ staff.
10. "2011 Permit" means a Minor New Source Review (mNSR) permit to modify and operate a semiconductor manufacturing fabrication facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Micron Technology, Inc. on December 1, 2011. The "2019 Permit" means a mNSR permit to construct and operate a project to expand the fabrication facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Micron Technology, Inc. on October 23, 2019. "2021 Permit" means a mNSR permit to modify the semiconductor fabrication site, which was issued under the Virginia Air Pollution Control Law and Regulations to Micron Technology, Inc. on October 23, 2019 (as amended June 16, 2021).
11. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
12. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Micron owns and operates the Facility in Manassas, Virginia. The Facility is a semiconductor manufacturing fabrication facility. The Facility is currently the subject of the 2021 Permit. The 2019 Permit allowed Micron to construct and operate a project to expand the fabrication facility. The 2011 Permit, also relevant to this enforcement action, allowed Micron to modify and operate a semiconductor manufacturing fabrication facility.
2. On April 6, 2020, Department staff received a Calendar Year 2019 Annual Update and Emissions Statement for the Facility. A PCE of this information was conducted. Department staff made the following observations:
 - a. Micron reported total facility-wide Volatile Organic Compound (VOC) emissions for CY2019 as 77.04 tons. 67 tons were reported for VOC emissions from the FAB Process in CY2019.
3. On April 15, 2021, Department staff received a Calendar Year 2020 Annual Update and Emissions Statement for the Facility. A PCE of this information was conducted. Department staff made the following observations:
 - a. Micron reported total facility-wide Volatile Organic Compound (VOC) emissions for CY2020 as 87.1 tons. 85.94 tons were reported for VOC emissions from the FAB Process in CY2020.
4. Condition 20 of the 2011 Permit- Fabrication Process Criteria Pollutant Emissions states in relevant part that pollutants from the operation of the semiconductor fabrication facility shall not exceed the limits below: VOCs→45.7 tons/year
5. Condition 30 of the 2019 Permit- Emission Limits (FAB) states in relevant part that process emissions from the operation of the FAB semiconductor fabrication operation shall not exceed the limits specified below: VOCs→62.9 tons/year.
6. On July 14, 2020, based on the data submitted to DEQ on the CY2019 Annual Update and Emissions Statement, the Department issued Notice of Violation No. ANRO001578 to Micron, and on May 17, 2021, based on the data submitted to DEQ on the CY2020 Annual Update and Emissions Statement, the Department issued an additional Notice of Violation for the violations described in paragraphs C(2) through C(5), above.
7. On August 11, 2020, Department staff met with representatives of Micron to discuss the violations. On September 11, 2020, and December 10, 2020, Micron submitted written responses to the NOV. On December 10, 2020, Micron submitted additional information, including estimated VOC emission ranges from Building 201 from 2010 to 2019. These estimated ranges exceeded permitted VOC limits from 2010 through 2019.

8. Based on submission of the CY2019 Annual Update and additional documentation submitted by Micron to DEQ on October 8, and December 10, 2020, the Board concludes that Micron has violated Condition 20 of the 2011 Permit and Condition 30 of the 2019 Permit as described in paragraphs C(2) through C(5), above.
9. In order for Micron to return to compliance, DEQ staff and representatives of Micron have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Micron Technology, Inc., and Micron Technology, Inc. agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$157,101.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Micron Technology, Inc. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Micron Technology, Inc. shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Micron Technology, Inc. for good cause shown by Micron Technology, Inc. or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized

- by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Micron Technology, Inc. admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact, and conclusions of law contained herein.
 4. Micron Technology, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order
 5. Micron Technology, Inc., declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
 6. Failure by Micron Technology, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
 7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
 8. Micron Technology, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Micron Technology, Inc. shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Micron Technology, Inc. shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and Micron Technology, Inc. Nevertheless, Micron Technology, Inc. agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Micron Technology, Inc. has completed all of the requirements of the Order;
 - b. Micron Technology, Inc. petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Micron Technology, Inc..

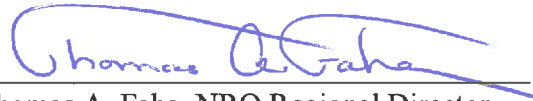
Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Micron Technology, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by Micron Technology, Inc. and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of Micron Technology, Inc. certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Micron Technology, Inc. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Micron Technology, Inc..
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no

representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Micron Technology, Inc. voluntarily agrees to the issuance of this Order.


And it is so ORDERED this 27th day of October, 2021.



Thomas A. Faha, NRO Regional Director
Department of Environmental Quality

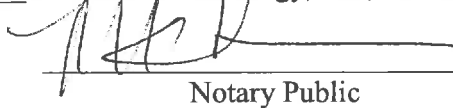
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Micron Technology, Inc. voluntarily agrees to the issuance of this Order.

Date: 10/20/2021 By: , Vice President
(Person) (Title)
[Micron Technology, Inc.]

Commonwealth of Virginia
City/County of Prince William

The foregoing document was signed and acknowledged before me this 20th day of
October, 2021, by Delbert Pantoja who is
Vice President of Micron Technology, Inc., on behalf of the corporation.


Notary Public

7592797
Registration No.

My commission expires: 10/31/2024

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Micron Technology, Inc. shall:

1. Within 30 days of execution of this Order, submit documentation to DEQ sufficient to support that the DAS SALIX units qualify for a permit exemption. After reviewing this documentation, should DEQ make the determination that submission of a Form 7 is required, Micron shall submit a Form 7 within 30 days of notification from DEQ, and shall respond to any requests for information regarding the Form 7 in accordance with the time frame provided by DEQ air permitting staff.

Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports, including, without limitation, the SEP Completion Report, submitted to DEQ pursuant to this Consent Order, Micron Technology, Inc., shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

DEQ Contact

Unless otherwise specified in this Order, Micron Technology, Inc. shall submit all requirements of Appendix A of this Order to:

**Attention Enforcement
VA DEQ – Northern Regional Office
13901 Crown Court
Woodbridge, VA 22192**